

### **Remarks**

The outstanding office action objects to the Abstract for the use of the word, "means". Accordingly, the Abstract has been amended to remove "means" and additionally, the reference numerals have been deleted. A new Abstract is attached herewith.

The outstanding action examines the claim set 1-70 which appears to be the claim set introduced during the International stage via Article 19 Amendment. This claim set was published by WIPO in the International publication, WO2005/011358A1 which included the International Search Report which was directed to the original 46 claims. During the International stage, the claims were further amended via Article 34. A new claim set 1-32 was introduced. According to the PCT procedure, this claim set replaced all of the prior claims, 1-70, which were then pending. Again, according to PCT procedure, the new claim set began with claim 1 and the claims were numbered sequentially, even though these claims did not correspond to claims of like number previously presented. This PCT procedure is significantly different than normal U.S. practice.

Accordingly, when the U.S. National phase commenced, the only claims pending were claims 1-32 which had been introduced via the Article 34 amendment. At the time of filing of the present National phase §371 request, Applicant paid the U.S. application fee for the pending 32 claims, two of which are independent. This information was correctly noted on the filing receipt. Furthermore, the United States National stage worksheet which is listed in the electronic record in this patent application as a "miscellaneous internal document", posted on February 3, 2006, correctly notes that 46 claims were originally filed, claims 47-70 were added by an Article 19 amendment (which were correctly not entered in the U.S. case) and that claims 33-46 were canceled via the Article 34 amendment, leaving the only claims pending as being 1-32 which were introduced by the Article 34 amendment. While this is relatively confusing and very technical, it is believed that the Applicant precisely complied with both PCT and U.S. National stage procedure.

This issue first came up when the restriction requirement was made, with the Examiner apparently reviewing the Article 19 claim set, 1-70. At that time, the undersigned filed a response to the restriction requirement pointing out that only claims 1-32 were pending at the commencement of the U.S. National stage. Unfortunately, in spite of that comment, the Examiner continued to examine claims 1-70.

In an effort to eliminate any further confusion, all existing claims currently pending are canceled. A new claim set has been introduced. New claims begin at 71 and continue through 102. These claims do appear to have been examined in the outstanding office action. As these claims are materially different from the prior claim set (examined claim 1 relates to a method, while new claim 71 relates to an apparatus), the undersigned is not specifically addressing the rejection made by the Examiner. For the Examiner's reference, an additional copy of the International Examination Report is attached. This examination report relates to claims 1-32 introduced via the Article 34 amendment which are identical to now pending claims 71-102, except for the altered claim numbers. The International Preliminary Examination Report indicates that all 32 claims meet the International standard for novelty, inventive step and industrial applicability.

It is respectfully submitted that pending claims 71-102 are patentable, consistent with the indication of compliance with the novelty, inventive step and industrial applicability standards of the PCT Article 33(2)-(4) made by the Australian Patent Office acting as an International Preliminary examining authority.

If the Examiner has any questions or concerns regarding this application, he is invited to telephone the undersigned so that the matter can be promptly handled by an Examiner's Amendment and any issues resolved so that the case can be promptly allowed.

Please the three month extension of time fee and charge any additional fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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